

## Questions & Answers

### 1) WHAT IS THE NEW REQUIREMENT FOR GENDER PAY EQUITY REPORTING?

Pursuant to Administrative Resolution No. AR-2013-62, signed by the Bernalillo County Board of County Commissioners on September 10, 2013, Bernalillo County ("County") has an interest in identifying and combating pay inequity and job segregation for those vendors that seek contracts with the County.

### 2) WHO HAS TO REPORT?

All vendors awarded a contract through the formal solicitation process, (i.e., Request for Bids and Request for Proposals), the Sole Source procurement process, and all Professional Services Contracts), who employ ten (10) or more employees of record (full or part time) OR employers with fewer than 10 employees which employ eight (8) or more employees of record (full or part time) doing the same job. "Same job" means the same job classification as per the reporting forms (see below).

### 3) MY COMPANY HAS A COUNTY CONTRACT, BUT WE SUBCONTRACT MOST OF THE WORK. WHAT ARE THE REQUIREMENTS REGARDING SUBCONTRACTORS?

Any contractor subcontracting out ten percent (10%) or more of the dollar value of the contract, regardless of the number of subcontractors, will be required to provide a report for each subcontractor unless that subcontractor is exempt because of number of employees.

### 4) WHAT IF I AM A SOLE-SOURCE CONTRACTOR?

The Administrative Resolution applies to all sole-source procurements.

### 5) IS ANY VENDOR WHO IS AWARDED A CONTRACT EXEMPT?

Yes. See below.

- A) Contractors with fewer than ten (10) employees are exempt, unless they have at least eight (8) employees in the same job classification as per the reporting forms.
- B) Contractors receiving a contract resulting from an emergency procurement are exempt, unless they hold other contracts that would already subject them to the requirement.
- C) Out-of-state vendors who are awarded a contract that have no facilities and no employees working in New Mexico are exempt, if the contract is directly with the out-of-state contractor and fulfilled directly by the out-of-state contractor, and not passed through a local contractor. PLEASE NOTE: If an out-of-state contractor has employees working in the State of New Mexico, whether or not those employees reside in the state, the contractor is subject to the reporting requirements.

### 6) WHAT IF MY COMPANY DOES NOT HAVE A COUNTY CONTRACT, BUT PROVIDES GOODS OR SERVICES THROUGH PURCHASE ORDERS?

Only those vendors who are awarded a contract through the formal solicitation process, (i.e., Request for Bids and Request for Proposals), the Sole Source procurement process, or a Professional Services Contract, are required to report. Note: the Sole Source procurement process may or may not require a contract.

### 7) WHAT IF I DON'T KNOW HOW TO DO THIS?

The County has provided a spreadsheet with formulas to be used for automatic calculation of gender pay gaps and for automatic generation of the required report, which can be found at [www.berncoc.gov/purchasing](http://www.berncoc.gov/purchasing), click on the Pay Equity link.

### 8) WHAT IF I DON'T KNOW HOW TO CLASSIFY MY EMPLOYEES FOR THE REPORT?

To simplify reporting, we are using job categories contained in the federal EEO-1 reporting form, which many companies are already using. Instructions for classifying employees according to these categories can be found at <http://www.eeoc.gov> and search for "job classification".

9) WHO IN MY COMPANY IS RESPONSIBLE FOR THE ACCURACY OF THE REPORT?

The principal executive of the company is responsible for the accuracy of the report, and that person must sign the report, regardless of who fills it out.

10) IS THE COUNTY GOING TO AUDIT THESE REPORTS?

Since reports are informational only at this time; they will not be audited; however, the County reserves the right to audit.

11) WHAT IF COMPANIES DON'T WANT TO DO THIS?

Companies that wish to contract with the County must comply with the Administrative Resolution, which effective December 10, 2013, is the policy of the County.

12) MY COMPANY WAS AWARDED A CONTRACT PRIOR TO THE NOTICE OF THESE REQUIREMENTS. DO I STILL HAVE TO REPORT?

No

13) HOW IS THE INFORMATION IN THE REPORTS GOING TO BE USED BY THE COUNTY?

Until further notice, reports will be informational only, and will not impact contracting decisions in any way. The County intends on using the reports for refining the reporting system for future use.

14) WILL I BE MARKED DOWN IF MY REPORT SHOWS GENDER WAGE GAPS?

No. However, completion of the forms may assist the contractor in overcoming gender pay gaps. The system is being designed as an incentive, not as a punishment.

15) WHAT IF WOMEN ARE MAKING MORE THAN MEN – IS THAT OK?

Gender pay equity is the policy of the County. This includes both women and men, so that neither group benefits nor is penalized simply because of their gender.

16) IF I DISCOVER A GENDER WAGE GAP, IS THE COUNTY GOING TO TELL ME HOW TO FIX IT?

No. There are many ways to remedy gender wage gaps, and they are well documented. There are consultants who specialize in this as well. The County will not dictate how such gaps should be fixed.

17) WILL THE COUNTY BE SETTING WAGE RATES FOR PRIVATE BUSINESS?

No. The County won't even know what the contractors are paying, and will in no way advise them on pay scales.

18) DOES FIXING A WAGE GAP MEAN SOME PEOPLE'S WAGES WILL NEED TO BE LOWERED?

Methods by which pay gaps are remedied are the decision and responsibility of the contractor not the County. Lowering anyone's pay to achieve parity is not the policy or recommendation of the County. Experts in the pay equity field do not recommend cutting anyone's pay to overcome pay gaps.

19) ISN'T THIS GOING TO VIOLATE WORKER PRIVACY?

No. Though wage or salary data will have to be part of a contractor's internal calculations in order to produce the final report, actual dollar amounts of pay will not be reported to the County, nor will pay amounts by group. Only percentage pay gaps between groups will be reported.

20) WON'T THIS GIVE AWAY VALUABLE PAY SCALE INFORMATION TO THE COMPETITORS OF BUSINESSES THAT REPORT?

No. Actual pay amounts won't be reported. Just the percentage differences between pay for women and men in the same job categories.

21) ISN'T IT GOING TO COST CONTRACTORS A LOT OF MONEY TO STUDY AND REPORT PAY GAPS?

The cost should be minimal. As the employer, you already know who works for you, what their gender is, and how much they're paid, so no new data will need to be gathered. Many are already producing federal and other reports that are in the same format we are requiring, or similar reports that require the same data for other purposes.

22) WHAT ABOUT THE EXTRA BURDEN ON SMALL BUSINESS?

The requirements for small business are less than those for larger businesses, and very small businesses are exempt (See Question #5 regarding exemptions).

23) HOW WILL THIS BENEFIT THE COUNTY?

Anything that benefits both business and workers benefits the County. Right now we are spending very large amounts of money in public assistance due to the low wages of many of our citizens. If those workers are brought up to a fair and equitable level, it will help ease the burden on the taxpayers who are providing public assistance.

24) DOES THE PAY EQUITY REPORTING REQUIREMENT APPLY TO CONTRACTS WITH OTHER GOVERNMENT AGENCIES? (GOVERNMENT TO GOVERNMENT CONTRACTS)

The requirement does not apply to governmental entities contracting with the County unless that governmental entity is responding to an Invitation to Bid or Request for Proposals in which case that governmental entity is required to comply with the requirements of such procurement, including pay equity reporting.

25) DO I HAVE TO INCLUDE ALL OF MY NEW MEXICO EMPLOYEES IN THE PAY EQUITY REPORT, OR JUST THOSE THAT ARE WORKING ON A CONTRACT?

The requirement applies to all New Mexico employees who work for a contractor, regardless of whether they are doing work on a contract.

26) MY COMPANY RESPONDS TO MANY SOLICITATIONS AND INVITATIONS TO BID. DO I HAVE TO FILE A REPORT WITH EACH ONE?

Yes, but you only have to calculate one report per year, for the first response you prepare. After that, you can reprint and submit the same report (just change the RFB or RFP number) for each new solicitation